



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

December 10, 2015

***Guidance Series No. 2016 -001: National Park Service Office of Equal Opportunity
Programs Civil Rights Guidance for Federally Conducted Cases***

To: Director
Deputy Director
Associate Directors
Regional Directors
USPP Chief
Superintendents
Chief, National Accessibility Branch
Regional EEO Managers
Regional Accessibility Coordinators

Subject: Complaints filed under Section 504 of the Rehabilitation Act of 1973, as amended

The purpose of this guidance is to communicate to you the Section 504 requirements and process for complaints of discrimination filed by visitors of our sites. Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination based on disability in federally conducted programs such as those programs conducted by the Department of the Interior (DOI) and NPS.

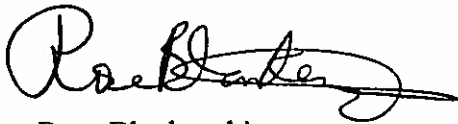
Access must be provided to all existing programs, structural and non-structural. The following legal Standard and Guidelines apply:

- ***Section 504 of the Rehabilitation Act of 1973, as amended*** requires accessibility to structural and non-structural federally conducted programs. Non-structural programs relate to provisions of policies, procedures and effective communication for program participants and employees with disabilities. Provision of access includes all existing programs (structural and non-structural) unless it can be determined that such access would alter the fundamental nature of the program or be an undue burden (significant difficulty or expense based on the resources of the entity). If one of these exceptions is demonstrated, the Agency must provide an alternative, effective method of access.
- ***Architectural Barriers Act Accessibility Standards (ABAAS)***: Effective May 8, 2006, GSA, as the lead access design standard setting agency for Interior and other agencies, approved the use of the Access Board's Architectural Barriers Act Accessibility

Standards (ABAAS) for federal sites, facilities, buildings and elements. This includes federal facilities where federal assistance was used fully or partly for construction of the specific facility. Since federal facilities are subjected to ABAAS, notification of receipt of all NPS complaints alleging that a facility subject to the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, is not readily accessible to and usable by persons with disabilities must be reported to the United States Access Board pursuant to the requirement of 43 CFR Part 17.570.

The Office of Equal Opportunity, Public Civil Rights Team (PCR), will investigate and seek voluntary resolution for any park or recreation area where claims of programmatic or physical access is limited or denied. To this end, OEOP, PCR Team has the ultimate responsibility to ensure and enforce nondiscrimination in the NPS federally conducted programs and activities.

Please direct any questions to Mary Denery at (202) 354-1868.

A handwritten signature in black ink, appearing to read "Rose Blankenship", with a long horizontal flourish extending to the right.

Rose Blankenship
Chief, Office of Equal Opportunity Programs

Attachments

1. Complaint Process
2. Section 504 Requirements for Self-Evaluation and Transition Plan
3. Complaint Flow Chart

Attachment 1

Compliance Procedures

The Section 504 process covers filing of complaint through complete resolution. The NPS Office of Equal Opportunity Programs (OEOP) has established compliance procedures as follows:

1. Incoming complaints are received directly from the complainant, Department of Justice, and the Department of Interior (DOI) Office of Civil Rights. The complainant has 180 days after the incident of alleged discrimination to file a complaint. The NPS, OEOP, may extend this time period for good cause.
2. If the NPS, OEOP receives a complaint that is not complete, it shall notify the complainant, that additional information is needed. If the complainant fails to complete and submit the requested information within thirty (30) days of receipt of this notice the NPS, OEOP shall close the complaint without prejudice. If the NPS, OEOP receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall refer the complaint to the appropriate government entity.
3. The NPS, OEOP will begin its processing of the complaint once jurisdiction is established and the complaint is deemed complete and timely to include the following procedures:
 - a. The NPS, OEOP shall notify the Architectural and Transportation Barriers Compliance Board (Access Board) upon receipt of any complaint alleging that a NPS building or facility is not readily accessible to and usable by individuals with disabilities.
 - b. The NPS, OEOP shall notify the Regional Director with a memorandum, noting the allegations, relevant requirements and requesting a self-evaluation and transition plan. (See Attachment 2 for information concerning the self-evaluation and transition plan) The memorandum will also request that steps be taken for resolution if the allegations are true and violate Section 504. For each new complaint received, the original self-evaluation and transition plan must be reviewed based on current allegations.
 - c. The NPS, OEOP shall review the Regional Director's status response and the self-evaluation and transition plan. If it is found that the unit is **not** in compliance, the NPS, OEOP may determine that a site visit is required and cost associated with site visit will be charged to the unit. The NPS, OEOP staff will work with all parties involved toward a resolution of violations in the shortest period of time possible. It must be recognized that the resolution of some violations may be accomplished at little or no cost and time while others may require considerable cost over a much longer period of time. If it is determined that the unit is in compliance, the complaint will be closed, based on no violation.

- d. The DOI regulations implementing Section 504 provide that within 180 days of receiving the complaint the NPS, OEOP shall notify the complainant of the results of the investigation in a letter containing the following:

1. Finding of fact and conclusions of law
2. A description of a remedy of each violation found
3. A notice of right to appeal
4. A notice of right to file a private right of action

After the 180 day period the EEO program staff will continue to monitor, as necessary by phone, electronic mail, or memorandum, steps taken by the unit to achieve full program accessibility.

Attachment 2

Section 504 Requirements for Self-Evaluation and Transition Plan

In accordance with Section 504 the Agency should conduct a self-evaluation of accessibility of its programs, policies, and practices to determine whether accessibility may be addressed through changes in the way such programs and services are provided. In the event that structural changes are necessary to meet the requirements of section 504, then a transition plan shall be developed setting forth the steps necessary to complete such changes. The transition plan should include the following:

- (1) Identify physical obstacles in the park that limit the accessibility of its programs or activity to individuals with disabilities.
- (2) Describe in detail the methods that will be used to make the program or facility that is not readily accessible to and usable by persons with disabilities.
- (3) Specify the schedule for taking the steps necessary to achieve full program accessibility and if the transition plan is longer than one year, identify steps that will be taken during each year of the transition plan period.
- (4) Identify the persons responsible for implementation of the transition plan.

NPS Office of Equal Opportunity Program (OEOP)
Flowchart for Processing Federally Conducted
Public Civil Rights (Disability) Cases Under
[Section 504 of the Rehabilitation Act of 1973]

